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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

DEC 08 2005  
at 11 o'clock and 49 min.  
SUE BEITIA, CLERK

LODGED

DEC 07 2005 9:45 am

CLERK, U.S. DISTRICT COURT  
DISTRICT OF HAWAII

Attorneys for Plaintiff  
DEPARTMENT OF EDUCATION,  
STATE OF HAWAII

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

DEPARTMENT OF EDUCATION,  
STATE OF HAWAII,

CIVIL NO. CV04-630ACK/KSC  
(Other Civil Action)

Plaintiff,

STIPULATION FOR DISMISSAL  
WITH PREJUDICE OF  
DEFENDANT'S COUNTERCLAIM

vs

MAKENA M., by and  
Through his Mother,  
CAROLINE (ALEX) M.,

Defendant.

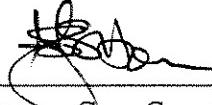
STIPULATION FOR DISMISSAL WITH PREJUDICE OF DEFENDANT'S  
COUNTERCLAIM

IT IS HEREBY STIPULATED AND AGREED by and between  
the parties to this action, through their respective  
attorneys, that pursuant to Rule 41(a)(1)(ii) of the

Federal Rules of Civil Procedure, the Counterclaim of Defendant filed against the Plaintiff be and is hereby dismissed with prejudice.

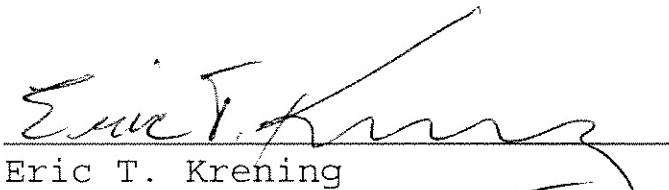
This stipulation is signed by all parties in this action.

DATED: Honolulu, Hawaii, December 5, 2005.

  
George S. S. Hom  
Deputy Attorney General

Attorney for Plaintiff  
STATE OF HAWAII

DATED: Honolulu, Hawaii, 12/5/05

  
Eric T. Krening

Attorney for Defendant and  
Counterclaimant

APPROVED AND SO ORDERED:

  
ALAN O. KAY

JUDGE OF THE ABOVE-ENTITLED COURT